

Exhibits

1. Conduct Report, July 27, 2018; Date of offense, July 15, 2018
2. Disposition of the Rules Infraction Board [Serious Misconduct Panel], August 14, 2018
3. Email from Alice and Staughton Lynd to Trevor Clark, Assistant Chief Counsel, Ohio Department of Rehabilitation and Correction, Division of Legal Services, August 9, 2018
4. National Prisoners Strike Demands, August 21 – September 9, 2018
5. Notice of Disciplinary Appeal, August 22, 2018; delivered August 27, 2018
6. Letter to Siddique A. Hasan R130559 from Mona Hobbs, Ohio Department of Rehabilitation and Correction, Division of Legal Services, November 19, 2018
7. Decision by the Division of Legal Services and referral to the Bureau of Classification by the Division of Legal Services, September 27, 2018
8. Bureau of Classification's Decision, October 23, 2018
9. Notice of Objection – ERH Placement/Review, October 23, 2018; delivered November 2, 2018

Conduct Report

Name: SANDERS, CARLOS A		Institution: OSP	OSP-18-001923
Date/Offense: 07/15/2018		Number: R130559	Lock: C/6/28
Time/Offense: 05:00 PM		Location:	
Rule(s) Violated: 15,16,46,56,61			
<small>Rioting or encouraging others to riot; Engaging in or encouraging a group demonstration or work stoppage; Conducting business operations with any person or entity outside the institution, whether or not for profit, without specific permission in writing from the warden; Use of telephone or mail in furtherance of any criminal activity; Any violation of any published institutional rules, regulations or procedures</small>			

Supporting Facts (Describe what occurred and how the inmate violated the rule(s)):

The ODRC's Chief Inspector's Office and the Bureau of Classification's STG Intelligence Unit have been monitoring communications and social media postings related to planning a nationwide prison strike from August 21 to September 9, 2018. For at least 2 years, inmates and members of the public around the country have attempted to plan coordinated work stoppages, riots, violence, and disturbances throughout Ohio and the nation on September 9th to advance a political agenda. External groups, such as the Incarcerated Worker's Organizing Committee (IWOC), have been supporting these efforts by spreading propaganda and rallying support. Since 2016, prison strike supporters have taken credit for, and celebrated as successes, riotous acts in prison systems throughout the United States including, but not limited to: lighting prison facilities on fire, assaulting staff, seizing control of prison units, taking staff hostage, and "full blown riot" (see attachment #1 Prison Strike Propaganda).

On Monday July 16, mail room staff at the Ohio State Penitentiary screened correspondence for inmate Sanders (Hasan) R130-559 sent to him by an approved visitor Ben Turk. The correspondence was propaganda supporting the prison strike this year. The Chief Inspector's office monitored inmate Sanders phone calls and learned inmate Sanders was engaged in the following activities:

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? ☐ Yes ☒ No

Printed Name: Wittrup, Brian	Signature:	
Shift: 1st	Days Off: Sa/Su	Date: 07/27/2018

A copy of this conduct report was served upon the above-named inmate on: _____ 20____, at _____.

Staff Signature:

I acknowledge receipt of the conduct report on the above stated date and time:

	<div style="border: 2px solid black; padding: 5px; text-align: center;"> EXHIBIT  <small>ALL-STATE LEGAL SUPPLY CO.</small> </div>
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Conduct Report Supplement

Institution:	OSP	OSP-18-001923
Name:	SANDERS, CARLOS A	Number: R130559

1) He is an "inside member" of the steering committee for the "Free Ohio Movement" which is associated with IWOC. On July 15, 2018 inmate Sanders was recorded on the DRC Phone system telling a group of prison strike supporters "I am one of the founders of the free Ohio Movement... I am one of the person(sic) on the steering committee on the inside and I can put you in touch with the chairperson, who is a female, with IWOC." Therefore, inmate Sanders admits to being a leader attempting to organize a prison strike in Ohio.

Signature of Reporting Officer: 

DRC 4255 (3/08) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution:	OSP		OSP-18-001923
Name:	SANDERS, CARLOS A	Number:	R130559

2) He advocates for a prison strike in public speaking events held over the inmate phone system. On June 30th he spoke to a group of protesters outside the US Supreme Court "I was also talking about this year from August 21 to September 9, the National work stoppage, hunger strike, boycotting the commissary the whole nine..." Therefore, inmate Sanders is attempting to incite support and spread the word to engage in an organized prison disturbance.

Signature of Reporting Officer: 

DRC 4255 (3/96) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution:	OSP	OSP-18-001923
Name:	SANDERS, CARLOS A	Number: R130559

3) Inmate Sanders has acknowledged the prison strike he is advocating for involved direct action in the prisons, not just an expression of ideas about prison reform. The prison propaganda sent in by Ben Turk establishes that the prison strike organizers are calling for violence and riot and they list it as an accomplishment in 2016 when prison facilities were damaged and destroyed and when prison staff were assaulted and taken hostage. On June 30, 2018 inmate Sanders says he has tried to organize this same prison strike in Ohio. He wants it to be more intense than what happened in 2016 and states he, and others, plan to participate. "Two years later, the decision has been that from August 21 to September 9, there is going to be another National Work Stoppage and it entails many more things than what happened in 2016... We intend to put up stiff resistance".

Signature of Reporting Officer: 

DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution:	OSP	OSP-18-001923
Name:	SANDERS, CARLOS A	Number: R130559

4) Sanders plans to continue making these statements and calling for a prison strike. He is also engaging in a for profit enterprise as a paid public speaker. Telephone monitoring has determined Sanders intends to speak to a group of people, including a radio personality, on Saturday July 28, 2018. For this, he is to receive a payment of \$250 from the Union sponsoring the event. He has not received authorization from the Warden of his facility to engage in this business enterprise. However, since the union's spending is monitored, they could not send the payment to Sanders directly. Sanders explained to them how they could use an intermediary and his three approved visitors, Ben Turk, Madeleine Smith, and Joyce Jones, to get the money to him. On July 11, 2018 inmate Sanders discussed the payment and the arrangements with the vice president of the union organizing the events.

Signature of Reporting Officer: 

DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution: OSP	OSP-18-001923
Name: SANDERS, CARLOS A	Number: R130559

"Kirschbaum: The way it is looking, we will probably be able to have you call into the meeting, show the film. My union has already took a resolution on it. It being a union, we're monitored pretty closely by the government on how we can only make out checks when we do a donation. We have to find out if we are able to make a check out to an organization or it could be to your canteen or however you do that. I don't know how that's done. It's \$250.

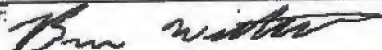
Would you be able to do that? We'd probably do a collection at the meeting too- to help out with stuff. Do you want to give me that information, I mean, we got some time. I don't know how that's-

Sanders: You can send that to Joyce since she's on my account.

Kirschbaum: I don't think the union can make a check out to Joyce. Is there something with the Lucasville tag?

Sanders: Yes...what I will do is I will have Joyce put you in touch with Ben [Turk]. No, I will have Joyce put you in touch with Madeleine [Smith]."

Signature of Reporting Officer:



DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution: OSP	OSP-18-001923
Name: SANDERS, CARLOS A	Number: R130559

Therefore, there is evidence to support that inmate Sanders is acting in violation of the following prison rules:

15- Rioting, or encouraging others to riot

16- Engaging in or encouraging a group demonstration or work stoppage

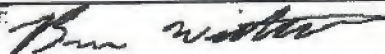
46- Conducting business operations with any person or entity, without permission

56- Use of telephone in furtherance of any criminal activity (encouraging disturbance/riot)

61- Violation of other policy, specifically rules on receiving of money from unapproved sources 76-VIS-01

For rules 15 and 16, by his own admission on July 15, 2018 Inmate Sanders is also acting as a leader and spokesperson.

Signature of Reporting Officer:



DRC 4255 (3/96) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Disposition of the Rules Infraction Board

Institution: <div style="text-align: center;">OSP</div>	RIB Case Number: <div style="text-align: center;">OSP-18-001923</div>
Inmate Name: <div style="text-align: center;">SANDERS, CARLOS A</div>	Number: <div style="text-align: center;">R130559</div>
Date of Hearing: <div style="text-align: center;">08/14/2018</div>	Time: <div style="text-align: center;">09:39 AM</div>

Inmate Plea: ☐ GUILTY Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____
 ☒ NOT GUILTY Rule: 15 Rule: 16 Rule: 46 Rule: 56 Rule: 61 Rule: _____

State the facts that explain the board's decision:

The Serious Misconduct Panel (SMP) believes that inmate Sanders R130559 did attempt to incite others to riot by misusing the DRC phone system referring to the 2016 prison strike/work stoppage and violent events that occurred in our nations' prisons and jails to promote the 2018 prison strike/work stoppage that is suspected to occur on August 21, 2018 that will end on September 9, 2018. Inmate Sanders stated on the DRC phone system that "two years later, the decision has been that from August 21 to September 9, there is going to be another National Work Stoppage and it entails many more things than what happened in 2016... We intend to put up stiff resistance". (Continued)

Particular evidence or statements relied on:

Conduct Report by Mr. Wittrup, Copy of Transcripts recovered from GTL involving inmate Sanders R130559 with Stevan Kirschbaum, confiscated correspondence via mail to inmate Sanders R130559 from Ben Turk and charged inmate testimony. The intercepted transcripts from GTL used in the case are confidential and will be made available for review. Inmates five(5) requested witnesses not allowed due to relevancy, unavailability and security reasons.

Did the inmate offer any defense? ☒ Yes ☐ No

Did the Board believe the inmate's defense? ☐ Yes ☒ No Why? Inmate did not seem credible.

Did the board rely on any confidential statement(s) ☐ Yes ☒ No

Did the board determine the informant(s) to be credible? ☐ Yes ☒ No

Decision: Based on the above stated facts the Board believes that:

Inmate SANDERS, CARLOS A violated Rule: 15 Rule: 16 Rule: 46 Rule: 56 Rule: 61 Rule: _____
 rule(s)

Inmate SANDERS, CARLOS A did not Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____
 violate rule(s)

Identify the disposition imposed and the reasons for the action taken:

Recommend ERH3 Placement. Suspension of phone/JPay privileges for one(1) year. Beginning 8/14/2018 - Ending 8/13/2019. The managing officer has the authority to reduce this suspension every three(3) months after a review of good behavior and no further violations of the above rules. REASON- Inmate misused his privileges to commit rule violations that could have disrupted the orderly operations of DRC facilities.

LC Referral? ☐ Yes ☒ No

Appeal form given to inmate? ☒ Yes ☐ No

Signature RIB Chairperson:	Date: <div style="text-align: center;">08/14/2018</div>
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Notice To Inmate: You may appeal this decision to the Warden.

The appeal must be submitted using the provided form DRC4027, within 15 days of receiving this disposition.

Acknowledgement of Receipt:



Inmate Signature: 	Date: 08/14/2018	Time: 02:04 PM
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DRC4024 (Rev. 12/05) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLDENROD - Inmate

Supplemental Disposition of the Rules Infraction Board

Institution:	OSP	RIB Case Number:	OSP-18-001923
Inmate Accused of Violation:	SANDERS, CARLOS A	Number:	R130559
Case Number:	OSP-18-001923		

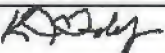
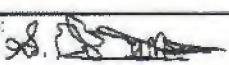
Summarize the incident as the Board believes it to have occurred (continued):

The SMP also believes that inmate Sanders R130559 did attempt to encourage others to participate in a nationwide group demonstration or work stoppage, including here in Ohio. SMP believes Sanders R130559 did so by using his position as an "inside member" of the steering committee for the "Free Ohio Movement" an associate of the "Incarcerated Worker's Organizing Committee" (IWOC). Inmate Sanders R130559 is recorded on the DRC phone system telling a group of prison strike supporters "I am one of the founders of the Free Ohio Movement... I am one of the persons on the steering committee on the inside and I can put you in touch with the chairperson, who is a female, with IWOC." Further, inmate Sanders R130559 recently spoke to protesters outside the United States Supreme Court and stated "I was also talking about this year from August 21 to September 9, the national work stoppage, hunger strike, boycotting the commissary the whole nine..." There is intel of a nationwide prison strike/work stoppage that is suspected to occur on August 21, 2018 that will end on September 9, 2018. Ohio State Penitentiary (OSP) mailroom staff recently intercepted mail correspondence from his

Rebuttal of inmate's defense (continued):

N/A

Penitentiary (OSP) mailroom staff recently intercepted mail correspondence from his approved visitor, Ben Turk to inmate Sanders R130559 regarding this same IWOC influenced prison strike/work stoppage event. (Continued)

Member, Rules Infraction Board:		Date:	08/14/2018	Time:	12:00 AM
Inmate Signature (acknowledging receipt of disposition):		Number:	R130559		

DRC 4175 (Rev. 03/04) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Supplemental Disposition of the Rules Infraction Board

Institution:	OSP	RIB Case Number:	OSP-18-001923
Inmate Accused of Violation:	SANDERS, CARLOS A	Number:	R130559
Case Number:	OSP-18-001923		

Summarize the incident as the Board believes it to have occurred (continued):

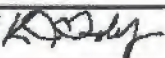

The SMP also believes that inmate Sanders R130559 did attempt to conduct a business operation with an outside civilian for profit and without specific permission in writing from the warden. Inmate Sanders R130559 was expected to receive a donation of two hundred fifty dollars from the Jericho Movement Local 8751 Union for participating in a live radio interview regarding the film titled "Shadow of Lucasville." Inmate Sanders R130559 is heard on the DRC telephone system advising the union leader on who to send the money to for the interview.

The SMP also believes that inmate Sanders R130559 did violate the use of telephone or mail in furtherance of any criminal activity by directly being a part of the above violations. Inmate Sanders R130559 did purposely use the DRC phone system to commit the above rule violations. Furthermore, the SMP believes that Sanders R130559 did misuse his JPAY privilege by answering an anti-Aramark Food Service organizer's JPAY message to him. The organizer asked inmate Sanders R130559 to recruit other inmates to work with them via JPAY to stop Aramark from being used at the University of Cincinnati until they

Rebuttal of inmate's defense (continued):

N/A

Cincinnati until they stop feeding inmates incarcerated in Ohio. Inmate Sanders R130559 gave the organizer ten other inmate names and their numbers and instructed the organizer to tell the ten that "Imam Hasan" referred them.

Member, Rules Infraction Board:		Date:	08/14/2018	Time:	12:00 AM
Inmate Signature (acknowledging receipt of disposition):		Number:	R130559		

DRC 4175 (Rev. 03/04) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Supplemental Disposition of the Rules Infraction Board

Institution: OSP	RIB Case Number: OSP-18-001923
Inmate Accused of Violation: SANDERS, CARLOS A	Number: R130559
Case Number: OSP-18-001923	

Summarize the incident as the Board believes it to have occurred (continued):

The SMP believes that inmate Sanders R130559 did violate published institutional rules, regulations or procedures, specifically rules on receiving of money from unapproved sources identified in policy 76-VIS-01, the above violated rule violations and his own telephone recorded conversation admission that he is also acting as a leader and spokesperson. These rule violations qualify for placement into Extended Restrictive Housing Three (ERH3) based on the criteria in policy 53-CLS-04, variance 1 #3 which states: The inmate has led organized, participated in or incited a serious disturbance or riot (or attempted to commit any of these acts) that resulted in, or was planned/intended to result in, the taking of a hostage, significant property damage, interruption of vital institutional services, physical harm, loss of control of a facility/unit, or loss of life.

Rebuttal of inmate's defense (continued):

N/A

Member, Rules Infraction Board: 	Date: 08/14/2018	Time: 12:00 AM
Inmate Signature (acknowledging receipt of disposition): 	Number: R130559	

DRC 4175 (Rev. 03/04) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

From: salynd@aol.com <salynd@aol.com>

Sent: Thursday, August 9, 2018 9:09 PM

To: Clark, Trevor

Subject: Carlos Sanders, #R130-559

Dear Mr. Clark,

Carlos Sanders, #R130-559, a/k/a Siddique Abdullah Hasan, received a conduct report, OSP 18-001923, alleging violations of rules 15, 16, 46, 56, and 61. He told us that the matter has been set for hearing before a Serious Misconduct Panel on Tuesday, August 14. He says he requested witnesses to provide information relevant to various different charges.

AR 5120-9-08.1 (D) (3) provides that the SMP chairperson shall make preliminary rulings on any witness requests, and arrange for the presence of witnesses. But at the time he completed the request for witness forms, Sanders did not have contact information for the witnesses.

Here are the phone numbers for the following witnesses:

Tahiyrah Ali of the Free Ohio Movement, 513.913.2691

Abe Bonowitz, organizer of the Annual Fast & Vigil against the death penalty, re event outside the Supreme Court on June 30, 2018, 561.371.5204

Ben Turk, re mail sent to Sanders, 614.704.4699

Steven Kirschbaum, re discussion of unauthorized payment by his union, 617.272.6004 or 857.498.1365

Martha Grevatt, 216.534.6435

These witnesses need to be told at what time they should make themselves available by phone on Tuesday, August 14.

Your prompt attention to this matter would be much appreciated. Thank you.

Alice and Staughton Lynd

Please note that an e-mail message, or a portion thereof, may be releasable as a public record in accordance with Chapter 149 of the Ohio Revised Code.



NATIONAL PRISONERS STRIKE
AUGUST 21st - SEPTEMBER 9th 2018

These are the **NATIONAL DEMANDS** of the men and women in federal, immigration, and state prisons:

1. Immediate improvements to the conditions of prisons and prison policies that recognize the humanity of imprisoned men and women.
2. An immediate end to prison slavery. All persons imprisoned in any place of detention under United States jurisdiction must be paid the prevailing wage in their state or territory for their labor.
3. The Prison Litigation Reform Act must be rescinded, allowing imprisoned humans a proper channel to address grievances and violations of their rights.
4. The Truth in Sentencing Act and the Sentencing Reform Act must be rescinded so that imprisoned humans have a possibility of rehabilitation and parole. No human shall be sentenced to Death by Incarceration or serve any sentence without the possibility of parole.
5. An immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans. Black humans shall no longer be denied parole because the victim of the crime was white, which is a particular problem in southern states.
6. An immediate end to racist gang enhancement laws targeting Black and brown humans.
7. No imprisoned human shall be denied access to rehabilitation programs at their place of detention because of their label as a violent offender.
8. State prisons must be funded specifically to offer more rehabilitation services.
9. Pell grants must be reinstated in all US states and territories.
10. The voting rights of all confined citizens serving prison sentences, pretrial detainees, and so-called "ex-felons" must be counted. Representation is demanded. All voices count!



Notice of Disciplinary Appeal

Institution:	OSP	RIB Case Number:	OSP-18-001923
Inmate Name:	SANDERS, CARLOS A	Number:	R130559

Warden:

I appeal the Rule Infraction Board's decision rendered on Aug. 14, 2018 that found that I violated the following rule(s) Rules 15, 16, 46, 54 and 61

In my opinion the decision of the Rules Infraction Board was incorrect for the following reasons:
(Be brief and specific in stating the basis for your appeal)

- ☐ I did not waive my right to have 24 hours pass between the time I received a copy of the Conduct Report and my appearance before the RIB. I appeared before the RIB _____ hours after receiving the conduct report.
- ☐ I did not waive the presence of the charging official at the RIB hearing. The charging official did not appear.
- ☒ The RIB denied my request for a relevant witness.
- ☒ No evidence was introduced at the hearing to support the RIB's decision.
- ☒ Other (Be Brief and Specific): 1. There was no tangible evidence presented at my Serious Misconduct Panel (SMP) hearing which supports the allegation that I was involved in "rioting, or encouraging others to riot." In fact, during my SMP hearing the charging official, Brian Withrup, stipulated that I was "not involved in rioting, or encouraging others to riot; however, just like the 1993 Lucasville uprising was supposed to have been a peaceful protest, it ended up turning into a full-scale rebellion." Therefore, I did not violate Rule 15 nor policy 53-CLS-04, variance 1 No. 3, which states: The inmate has led, organized, participated in or incited a serious disturbance or riot or attempted to commit any

Inmate Name:	<u>Muhammad Abdullah</u>	Number:	<u>R130-559</u>	Date:	<u>Aug. 22, 2018</u>
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DRC 4027 (Rev. 03/04)

ACA 4236



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of these acts) that resulted in, or was planned/intended to result in, the taking of a hostage, significant property damage, interruption of vital institutional services, physical harm, loss of control of a facility/unit, or loss of life.

2. The SMP outright denied my request for relevant witnesses. The SMP was being disingenuous when it purported to have denied all five (5) of my outside witnesses "due to relevancy, unavailability and security reasons." For starters, the Chairman, Deputy Warden Keith Foley, did not arrange for the presence of my witnesses nor did he make an attempt to call any of them, and phone records can easily substantiate this assertion. Second, there was no "security reasons" to justify his denial. Just like he made arrangement for the Charging Official, Brian Withrup, to testify via telephone, he could have made the exact same arrangement for my witnesses. AR 5120-9-08.1 (E)(6) makes it perfectly clear that "witnesses may appear in person, by telephone, or other electronic means." Although my witnesses were ready, willing and able to testify at my SMP hearing, they receive no phone call or other communication from the SMP Chairman.

3. On the cover page of my conduct report the Charging Official unequivocally expressed that he did not "wish to have input into the disciplinary proceedings." Moreover, I unequivocally expressed throughout my hearing that I did not

(Vide next page)

request nor desire his input as a witness. According to AR 5120-9-08.1 (E)(5), the only other way the Charging Official could have appeared as a witness is "if the SMP has questions for the official." Although there was only one question, or possibly two, the SMP had for the official, Mr. Withrup was repeatedly allowed to offer his input, critiques and/or objections to my testimony, notwithstanding the SMP was putting forward no new or specific questions to him. In short, he was granted free reign to express whatever he desired and the SMP, his subordinates, swallowed the hook, line and sinker. Thus, he was not on the telephone as a witness but as an adversary and critic during my entire testimony/hearing, which my hearing commenced at 9:39 AM and concluded at 2:04 PM.

4. The SMP chairman would neither postpone my hearing for good cause nor provide me with the full documents for preparation of my defense (See VI. Procedures (B) 4 and (C) 2), simply because my conviction was already ingrained in the mind. Put another way, I was provided the bare form of a hearing without any substance. This became crystal clear during the SMP first deliberation on my innocent or guilt. The panel left the room to deliberate and the chairman was still talking to Mr. Withrup on the telephone in the corridor but outside of my hearing. After about 20 minutes, the panel returned to the room to notify me that they were going to continue with my hearing before deliberating.

(Vide next page)

That's when Mr. Withrup instructed them to share more of the evidence being used against me. That's when the chairman started reading more of what I allegedly said over the phone. I asked the chairman to allow me to see what he was reading. Mr. Withrup instructed him to let me read typed versions of the alleged phone conversations, but to be careful not to share with me their confidential work. Lo and behold! Mr. Foley gave me some of the wrong papers, viz., the Disposition and Supplemental Disposition of the Rules Infraction Board. These documents had already found me guilty and the punishments I were to receive.

5. In violation of ODRC Policy 56-DSC-03 (E)1, "The charging official . . . shall not be permitted to participate in the deliberations of the SMP." Mr. Withrup participated in the deliberations.

6. In violation of ODRC Policy 56-DSC-03 (E)6, "The decision of the SMP must be based solely on information obtained in the hearing process . . . , and evidence derived from witnesses and documents." In this connection the SMP stated: [T]he SMP believes that Sanders R130559 did misuse his JPAY privilege by answering an anti-ARMARK Food Service organizer's JPAY message to him. The organizer asked inmate Sanders R130559 to recruit other inmates to work with them via JPAY to stop ARMARK from being used

(Vide next page)

at the University of Cincinnati until they stop feeding inmates incarcerated in Ohio. Inmate Sanders B130559 gave the organizer ten other inmate names and their numbers and instructed the organizer to tell the ten that "Imam Hasan" referred them. Not only was I not served a conduct report for this alleged recruitment offense, there was nothing discussed about it during my SMP hearing. Absolutely nothing! So where did the two SMP persons get this information from other than Mr. Withrup himself? He simply typed up, in advance, the Disposition and Supplemental Disposition of the Rules Infraction Board and gave it to the SMP members to sign-off on.

The fabricated charges in my conduct report, the procedural errors in my SMP hearing, and the dirty games played by all parties involved are so egregious and a violation of my due process rights... that not even returning my case to a new SMP for a rehearing will cure and/or correct the violation(s) of applicable procedures and the vindictiveness shown toward my person. Thus, the only legal remedy is, for my case to be dismissed with prejudice; for Brian Withrup, Deputy Chief Inspector Paul Shoemaker, and all other ODBC officials to leave me alone and allow me to do the remainder of my time without being harassed due to the 1993 Lucasville uprising. My request is reasonable. Thank you for your utmost cooperation.

Prayerfully,

Os. A. Hasan

7005 1820 0007 2794 6718

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

COLUMBUS, OH 43222

Postage	\$3.45	\$2.75
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
	\$0.50	
Total Postage & Fees	\$	\$6.70

0420
07

Postmark
Here

08/24/2018

Sent To
 Division of Legal Services, Ohio Dept. of Rehab. & Corr.
 Street, Apt. No.:
 or PO Box No. 770 W. Broad St.
 City, State, ZIP+4
 Columbus, OH 43222-1419

PS Form 3811, June 2009

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Division of Legal Services
 Ohio Dept. of Rehabilitation
 and Correction
 770 W. Broad St.
 Columbus, OH 43222-1419

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Date of Delivery

D. Is delivery different from item 1?

If YES, enter delivery address below:

☐ Yes

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Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Stuart C. Hudson, Interim Director

November 19, 2018

Siddique A. Hasan R130559
Ohio State Penitentiary
PO Box 1436
Youngstown, OH 44501

Re: Request for Information

Siddique Hasan,

The Division of Legal Services has received your letter dated October 17, 2018 requesting a copy of the recording and/or transcript of your SMP case OSP-18-00192 and preservation of said recording.

Your request seeks inmate records which are not public records as defined by R.C. 149.43. See R.C. 5120.21(F), pursuant to R.C. 5120.21. DRC will maintain the audio recordings of the SMP hearing as directed in the DRC Record Retention Schedule.



Mona Hobbs
Division of Legal Services





Ohio Department of Rehabilitation and Correction

Division of Legal Services
770 West Broad Street
Columbus, OH 43222-1419

John R. Kasich, Governor

www.drc.ohio.gov

Gary C. Mohr, Director

DATE: September 27, 2018

RE: SMP Case OSP-18-001923
Sanders, Carlos R130559

Your Serious Misconduct Panel case and associated appeal were reviewed by the Division of Legal Services on September 27, 2018. The official decision provided to OSP and the Bureau of Classification and Reception (BOCR) is attached. The case has been affirmed as to the procedure and guilty finding. A recommendation has been made to BOCR when considering your final housing placement. From this point forward, the following procedures shall apply from the Administrative Rule (5120-9-08.1):

(T) A designee of the bureau of classification shall review the decision of the SMP, any appeal submitted by the inmate and the recommendation of the division of legal services before making a final decision as to the inmate's housing assignment.

(1) A final decision shall be made within thirty calendar days of the referral from the division of legal services.

(2) The inmate shall be notified of the decision within three business days of the date of the decision and shall be advised of the option to appeal the final decision on housing placement to the chief of the bureau of classification. An appeal shall be submitted within fifteen calendar days of the inmate's receipt of the final decision.

(U) The chief of the bureau of classification shall consider all appeals of final decisions on housing placements. In making the decision, the chief of the bureau of classification shall consider the recommendation of the SMP, the information presented by the inmate, the recommendation of the division of legal services and the final decision on the housing assignment made by a bureau of classification designee.

An appeal to the chief of the bureau of classification shall be decided within fifteen calendar days of the receipt of the inmate's appeal. The inmate shall be issued a written decision within three business days of the final decision.





Ohio Department of Rehabilitation and Correction

Division of Legal Services
770 West Broad Street
Columbus, OH 43222-1419

John R. Kasich, Governor

www.drc.ohio.gov

Gary C. Mohr, Director

DATE: September 27, 2018
TO: Bureau of Classification and Reception
FROM: Lauren A. Chalupa, Staff Counsel
Division of Legal Services
RE: SMP Case OSP-18-001923
Sanders, Carlos R130559

SMP Hearing Date:	August 14, 2018
SMP Panel:	LORCI (Collier/Wright)
Inmate MH Classification:	Not on the caseload
Rule Charge on Conduct Report:	Rule 15, 16, 46, 56, 61
Confidential Information Used by Charging Official:	No
Confidential Information Reviewed by SMP:	Not Applicable
Video Evidence Used:	No
Video Evidence Reviewed by SMP:	Not Applicable
Disposition on Rule Charge:	Guilty Rule 15, 16, 46, 56, 61
Recommended Housing Placement:	ERH3
Inmate Appeal:	Yes

Procedure

The Division of Legal Services has reviewed this case for compliance with applicable policies and procedures. All procedural requirements for paperwork and hearing processes were followed.

Evidence

Information was presented from the written statement of the charging official, GTL transcripts, and confiscated mail. The evidence supports the charge.

Placement Criteria and Housing Recommendation

The SMP panel recommended a placement at ERH3. Leading, organizing, participating in, or inciting a serious disturbance or riot that resulted in the taking of a hostage, significant property damage, physical harm, or loss of life does meet a placement criterion for extended restrictive housing placement under 53-CLS-04.

Inmate Appeal

Inmate submitted an appeal dated August 22, 2018 in which he states there was no evidence presented at his hearing to support the allegation that he was involved in rioting. Inmate goes onto state that the SMP panel denied his requested witnesses. Inmate did not wish for the charging official to testify, yet he did anyway, and participated in the deliberations. Inmate also says he was found guilty of allegations to which he was not issued a conduct report.

Final Recommendation

Applicable procedures followed. Affirmed as to procedure, evidence and placement criteria. Defer final placement decision to BOCR as dictated by AR 5120-9-08.1.

Reviewed by: LAC

Bureau of Classification's Decision

Proposed ERH/SA Placement

Inmate Name: Sanders	Inmate Number: R-130559	Case Number: OSP-18-001923	Institution: Ohio State Penitentiary
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Issue being considered for the proposed placement: The issue to be considered is whether the inmate's already proven conduct, in conjunction with an assessment of the inmate's overall record, demonstrates that the inmate is unable to function in a less restrictive environment without posing a serious threat to other inmates, staff, the orderly operation of the institution, or the general public. In addressing this issue, the Bureau will determine whether the inmate's proven behavior falls within any of the categories below.

- ☐ Assault, related acts
- ☐ Nature of criminal offenses or offenses in other correctional jurisdictions
- ☒ Inmate involvement in serious riot or disturbance
- ☐ Inmate has conspired or attempted to convey, introduce, or possess major contraband
- ☐ STG leadership, enforcer or recruiter
- ☐ Active/Disruptive STG inmate involved in violence or disturbance
- ☐ Escape or related acts
- ☐ Knowingly exposing others to contracting a dangerous disease
- ☐ Compromising staff integrity and causing threats to security or public
- ☐ Threatening behavior combined with a history of assault while incarcerated
- ☐ Repetitive violence and assault at Level 3 or 4

For any items indicated above, describe the behavior justifying placement:

Violation of rules 15, 16, 46, 56, 61 on July 15, 2018 as an ERH1 inmate, not eligible for presumptive release.
This inmate has also violated the following rule infractions within the past 24 months: 59(x2), 54, 61, 45, 46

Decision:

Place inmate at ERH 3. This inmate's actions indicate a consideration for less restrictive means of housing this offender would cause an increased threat to the security of the institution.

Reasons for the Bureau's Decision

Instruction: The statement need not be lengthy, but must include every basis for the decision, and may not be merely conclusory.

The actions taken by Inmate Sanders indicate a planned and organized intent to disrupt the security of the institution and a planned and organized intent to act violently towards prison staff. Furthermore, Inmate Sanders also participated in events which not only encouraged these actions in the prison he is incarcerated in, but also an attempt to influence others in the community and elsewhere to perform these actions as an act of support of a nationwide prison strike.

On July 15, 2018, as a result of an investigation conducted by the Chief Inspector's office, Inmate Sanders, R130559, was found to be collaborating with outside contacts to organize a prison strike in Ohio. Printed propaganda supporting a prison strike was intercepted by OSP mail-room staff addressed to Inmate Sanders from approved visitor Ben Turk. This propaganda included prison strike organizers calling for violence and a riot. In addition to the printed propaganda, audio recordings were obtained from the DRC Phone system in which Inmate Sanders tells prison strike supporters that he is a founder of the Free Ohio Movement, stating he is an inside member of the organization's steering committee. Audio recordings also support Inmate Sanders used the DRC Phone system to talk to protesters on June 30, 2018 stating plans of support for the prison strike planned August 21 to September 9, 2018 to include work stoppage, hunger strike, and boycotting the commissary. Inmate Sanders stated he wants the 2018 prison strike to be more intense than what happened in 2016 and states that he and others are going to participate. Inmate Sanders stated, "Two years later the decision has been that from August 21 to September 9, there will be a National work stoppage and it entails many more things than what happened in 2016...we intend to put up a stiff resistance."

Inmate Sander's actions identify him as a leader and a spokesperson. Inmate Sanders is also engaging with a for profit enterprise as a paid public speaker. Sanders, without permission from the Warden, was intending on speaking to a group of people including a radio personality on July 28, 2018. Inmate Sanders was to be compensated \$250.00 for his speaking engagement. Inmate Sanders explained how he could be compensated and how money could be transferred from the organization to Inmate Sander's prison account using an intermediary and his three approved visitors.

List base behavioral requirements of the Inmate Adjustment Plan

Refrain from violence, threats and aggression towards others

Refrain from organization of and participation in prison riots, work stoppage and similar acts that would cause a disruption to the operation, safety and security of the institution.

Is inmate eligible for presumptive reduction? ☐ Yes ☒ No

If no, explain:

Inmate Sanders is currently not eligible for presumptive release based on his past participation as a leader in the SOCF riots in 1993 and his participation for the MANCI riot in 1997. Inmate Sanders' current rule violations also make him ineligible for presumptive release.

You have been credited for all time served in ERH/SA therefore your effective date of placement is: Jul 15, 2018. While pending transfer to an ERH/SA unit you are expected to comply with your IAP. Failure to do so may lengthen the time you will remain in ERH/SA.

Sources of information to support the reason(s) for the decision

Instruction: Set forth the specific sources relied on to support the reason(s) for the decision.

RIB History

Legal Service Review

SMP Recommendation

What mental health level is the inmate? N

Is the inmate IDD? ☐ Yes ☒ No

Bureau Representative's Signature:

Laura A. Solnick

Laura A. Solnick

Date:

10/23/2018

The Inmate was:

☒ notified of the objection procedures

☒ given a copy of this document on: 10-23-18

☒ given a Notice of Objection form (DRC-2596), and

Provided a copy of this decision to the inmate:

10-23-18

Date

Serving Staff Member

Dani

Send to BOC Chief

Notice of Objection - ERH Placement/Review

Mail to the Bureau of Classification, 770 W. Broad St., Columbus, OH 43222

Name: <u>Sanders</u>	Number: <u>R130559</u>
Institution: <u>OSP</u>	Date: <u>10/23/2018</u>

I am objecting to:

☒ Recommended placement in ERH

☐ Recommended retention in ERH

The recommendation was made by:

☒ Serious Misconduct Panel

This proceeding was conducted on (Date) 8/14/18 at (Institution) Ohio State Penitentiary.

☐ ERH Level Review Committee Decision _____

(Date)

(Institution)

In my opinion this decision is incorrect for the following reasons:

WARNING: You must state clearly and in detail the reasons you feel the decision is incorrect. This includes all procedural objections.

Due to the intentional judicial bias and unethical procedural violations that repeatedly occurred during the course of my Serious Misconduct Panel (SMP) hearing on August 14, 2018, it would be unambiguously clear to any impartial adjudicator that the rights, obligations, and Disciplinary Procedures for the SMP set forth in policy 56-DSC-03 and AR 5120-9-08.1 were not adhered to in my case — a case which is a serious affront and travesty of justice. Moreover, said adjudicator could unmistakably see that I was outright denied a fair hearing in what was

(Vide next page)

(If more space is needed, attach additional sheets)



Signature: <u>Siddique A. Khan</u>	Number: <u>R130-559</u>	Date: <u>10/28/2018</u>
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supposed to had been a fair SMP tribunal; however, my hearing was anything but fair, which resulted in the determination of my guilt and the excessive punishments imposed upon me. Thus, I make my appeal to you, the Charging Official (Brian Withsup) on the following grounds:

1. I incorporate the factual allegations set forth within my initial appeal to the Division of Legal Services on August 22, 2018. (Those allegations referenced facts of procedural and due process rights violations.)

2. Lauren A. Chalupa, Staff Counsel for the Division of Legal Services, did not timely answer my appeal and/or take action on my appeal within thirty (30) calendar days of the receipt of my appeal. (See 56-DSC-03 (F)(3) and 5120-9-08.1) (My initial appeal was mailed via Certified Mail/Receipt Requested and was received by the Division of Legal Services on one of its representative on August 27, 2018; however, Ms. Chalupa did not "affirmed" her decision and recommendation until September 27, 2018. That's thirty-two (32) calendar days after receipt.)

3. Contrary to what Laura A. Solnick, a designee of the Bureau of Classification and Reception (BOCR), said in the BOC's decision to place me at ERM 3 for "involvement in serious riot or disturbance," such is

(Vide next page)

not factual. Moreover, there was never "a planned and organized intent [on my part] to disrupt the security of the institution [OSP] and a planned and organized intent to act violently towards prison staff." In fact, during my SMP hearing you even stipulated that I was "not involved in rioting, or encouraging others to riot," yet I have been found guilty of a Rule 15 violation.

In being a prison activist I routinely speak out against, or write about various injustices, including the oppression, persecution and super-economic exploitation of prisoners and the violation of their civil, constitutional and human rights. Hence, the reason for the creation and establishment of the Free Ohio Movement. The U.S. Constitution permits the type of "freedom of speech" which I have engaged in. However, it's erroneous to claim that I was collaborating with outside contacts to organize a prison strike in Ohio merely because an approved visitor, Ben Turk, posted me some printed material on said strike — material that was not written by him but, instead, was downloaded from the Internet. To this date, I have neither seen this printed material nor requested it, yet I'm being held responsible for its contents. That's ludicrous! (When unacceptable or objectionable printed material is received at this

(Vide next page)

institution for a prisoner, the normal procedure for the mailroom personnel is to send the prisoner a "Nuisance Contraband Slip" asking how he wishes to dispose of the contraband, viz., destroy it or have it returned to sender. I did the latter.)

4. Policy 56-DSC-03 (E)(6) states: "The decision of the SMP must be base solely on information obtained in the hearing . . . and evidence derived from witnesses and documents." Although there was no evidence or information presented at my hearing about my alleged misuse of JPAY privilege by answering an anti-ARMARK Hood Service organizer's JPAY message to me, I still was given one (1) year JPAY restriction. In fact, my JPAY privileges were terminated nineteen (19) days before SMP imposed its excessive restriction.

Conclusion: Because of the numerous procedural due process errors in my SMP case, the hearing was a serious affront to the fairness, impartiality and reliability thereof. As a result, I am humbly requesting that my case be dismissed with prejudice, or preserve the audio recording and all evidence relevant to SMP Case OSP-18-001923 due to pre-litigation efforts forthcoming.

Respectfully submitted,
Siddique A. Khan

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Jamie Roberts

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